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and an original panelled door. One room has an early 17th-century glass shield of arms of the quartered coat of Jenour with a text and border. A bedroom on the first floor has moulded plaster trabiations of the 17th century, and above the fireplace a plaster shield of arms of Jenour with supporters and strap-ornament.

In a future (short) article I propose to describe two other heraldic shields at Howbridge Hall, both of marble and of post-1750 date, and probably not connected with the Jenour family.

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## PIEPOWDER COURTS IN COLCHESTER.

BY SIR GURNEY BENHAM, F.S.A.

ACCORDING to Giles Jacob's *Law Dictionary*, 'corrected and greatly enlarged by J. Morgan Esquire' (10th Edition, 1782) 'Piepowder Courts' meaning 'courts of the dusty feet,' were 'held in fairs to administer justice to buyers and sellers and for redress of disorders committed in them.' The Latin name for these courts is *curia pedis pulverizati*. In old French *ped puldreaux* (dusty foot) is said to have meant a pedlar or vagabond, and in medieval Latin *pede pulverosus* meant a hawker or travelling salesman. Piepowder Courts were held 'from hour to hour,' and were meant to be expeditious. As a rule the Court sat at 8 a.m. to take the pleadings, adjourned to 9 a.m., then to 11 a.m., and then to 1 p.m. This meant that the parties had received three hearings at three separate courts, this being regarded as the lawful due of all litigants. After the third hearing at 1 p.m. the Court again adjourned till 3 p.m. or 4 p.m., when judgment was given. This was supposed to be expeditious and at the same time in accordance with the tradition that judgment should be at a separate court after the third hearing. Nowadays fortunately matters can be settled in one hearing unless there are special reasons.

These Courts were allowed in all fairs and the Steward for the Lord of the Manor or Lord of the fair presided, assisted by a scratch jury of traders.

At Colchester there were many fairs and markets. Colchester was ruled on the manorial system, the annually appointed Bailiffs acting as Lords of the Manor at the various Courts, assisted by Justices and juries of townspeople.

Piepowder Courts had been held in Colchester 'from time immemorial'—so says the entry of the first recorded Piepowder Court in the borough, at the end of April or the beginning of May, 1443. At that Court the parties were Thos. Smyth v. Cristina van Bondelyn, claim £60 10s. 10d. Cristina did not appear at any of the three Courts, but in her absence the Serjeant seized 23 rolls of cloth belonging to her. After her third default at 1 p.m. judgment was recorded for plaintiff with 26s. 8d. damages. At 4 p.m. appraisers certified that the rolls of cloth were worth £61 4s., and they were delivered to plaintiff.

These dusty-foot courts were not very frequent in Colchester. Some cases tried at Piepowder Courts in 1484 may be given as further examples.

The first was on Tuesday after St. Benedict, 1484, that is Tuesday, 23 March. The case was a claim by Sir Laurence Reynford, Knight and merchant, against Cornelius Broun, merchant. The Court sat at 8 a.m., to take the pleadings.

John Algood, attorney for Sir Laurence Reynford, stated that on February 14, 1484, Cornelius Broun, the defendant, with other malefactors unknown, forcibly broke into Sir Laurence's house and took away and beguiled from his service John Potter, *alias* John Joynour, who was then retained in Sir Laurence's employ, and also carried off two silver ewers, one tunic (*togam*) of 'sateyn,' another of 'pewke' and 30 yards of 'holond cloth,' as well as £4 in cash, to the total value of £20, and 'committed other enormities,' so that complainant alleged damage to the extent of 40 marks (£26 13s. 4d.).

All of which was probably an exaggeration, John Algood, a regular practitioner in the Colchester Court, being, like other attorneys of that period, in the habit of over-stating.

Cornelius Broun appeared in person and denied his guilt, and 'placed himself on his country,' that is elected to be tried by a jury. Sir Laurence likewise desired a jury.

Accordingly a *venire facias* was ordered, that is a summons for a jury was hastily issued, the Court being adjourned till 11 a.m. But the jury could not be collected by then, only six being in attendance to begin with. At 4 p.m. the jury of twelve were all present and inquisition was taken. The jurors were mostly from the South Ward in the Hythe or harbour district of Colchester. The case was heard, but unfortunately

no further particulars are vouchsafed. We are simply told that the jury on oath declared defendant guilty of the alleged trespass and that they assessed the damages at 20 marks (£13 6s. 8d.)—just half the amount claimed. But they allowed a further 40s. for costs.

So far so good, but the Court was not ready to give judgment forthwith, possibly because the hour was late and the Bailiffs and Clerk had gone home to supper. Therefore there was an adjournment till 9 a.m. on the following day, Wednesday. At 9 a.m. the Court was still not ready, so it was adjourned till 10 a.m., when judgment was given.

What happened after that can only be surmised. No doubt the defendant's ship (if any) and his other effects were seized: unless (as is possible) he was ready with the cash or made restitution of the stolen goods and chattels.

This was fairly speedy justice, because the plaint seems to have been entered on Monday, 22 March, the day before the hearing.

In the same month there was another Piepowder Court at Colchester, namely, on Wednesday, 31 March, 1484, 'at the third hour after noon.'

In this case the plaintiff was Richard Arnold, Citizen and 'Habardassher' of London. He sued Thomas Gerard, Citizen of London, mercer and merchant, for £43 10s. 6d. The defendant had been 'attached' by four pipes of 'waide,' that is 'woad' or dye. These had been seized as security and were 'in custody of John Aldham,' a reputable burgess living in the North Ward.

This time another Colchester attorney, Robert Silby, appeared for the claimant, and the proceedings were simplified by the non-appearance of the defendant. Robert Silby produced an 'obligatory deed' dated 7 September, 1482, whereby defendant bound himself to pay complainant £63 10s. 6d. on 7 January, 1483. He paid £20, but had failed to pay the residue. Robert Silby claimed £10 damages in addition to the £43 10s. 6d.

Defendant was given till 4 p.m. to appear, but was still absent. So he was allowed till 8 a.m. the following day, and then until 9 a.m. This made three defaults. The parchment here is torn and stained, but enough remains to show that judgment was given against defendant. It would be interesting

to know the amount of damages allowed by the Court, but this part of the entry is gone. All that we know is that he was 'in mercy' 6d., the usual Court fee charged to an unsuccessful litigant.

But two 'appraisers' were appointed, both men of standing in Colchester, and they assessed the value of the four pipes of waide at £18. William Roes, water bailiff at the Hythe, Colchester, testified on oath before the Bailiffs that the four pipes of 'waide' seized were the property of the defendant and of no other person, and this implies that they were taken in part satisfaction of the debt.

There were two other Piepowder Courts in Colchester in this same year.

One was on Monday, 5 July, 1484, 'at the 12th hour before noon,' which I suppose meant noon, but was carelessly entered by the clerk.

In this case a merchant named John Parker, executor of the will of Richard Parker, mercer, of Colchester, was sued by Alice Moys, a widow twice over, for her husband Moys was dead, and she was suing as executrix of her former husband, Robert Hyntellisham, of St. Nicholas parish, Colchester.

John Algood appeared for her and produced Richard Parker's bond for £6 dated 27 April, 1458, the money being payable to Robert Hyntellisham on 24 June, 1458. But Richard Parker died without making payment, and his executor had declined to pay. John Algood put the damages at £2.

The Court adjourned till 2 p.m., and then 'by consent of the parties' till 3 p.m.

At 3 p.m. John Parker appeared and asked that the deed or bond might be read over to him. This was done. The deed showed that the deceased Richard was only one of three parties bound to pay the £6, the others being Alice Wellys, widow, and John Seman, weaver, of Colchester. But they were all bound jointly and severally.

Then John Parker asked to hear the endorsement of the bond. This endorsement stated that the £6 might be paid by instalments, 6s. 8d. on 24 June, 1458, 6s. 8d. on 29 September, 1458, and then 6s. 8d. at Easter and 6s. 8d. at the following Michaelmas, and so on, 6s. 8d. per quarter till the full £6 was paid off, when all would be well, and the letter of the bond

would be waived ; but in case of any default Robt. Hyntellisham might distrain on the goods and chattels of each or all for the full sum.

John Parker, after hearing the endorsement, pleaded that Alice Moys had no ground of action, because he declares that Richard Parker had in his lifetime paid up regularly all the instalments of 6s. 8d. each.

On this Attorney Algood replied that Alice Moys could not be precluded, because the 18th and final payment due would have been paid at Michaelmas, 1462, and she was prepared to prove that it was not so paid.

John Parker, in reply, declares that Richard Parker did pay that final 6s. 8d. to Robert Hyntellisham in Robert's lifetime.

Both parties then 'placed themselves on their country,' and the Court was adjourned till 6 p.m., to give time to assemble a jury.

But at 6 p.m. John Parker, though solemnly called, did not appear. Nor did the jury. Six of them were there, and the Court adjourned till 9 a.m. the next morning.

A jury of twelve was then sworn. The evidence is not given, but the jury said on oath that Richard Parker, in his lifetime, did not pay that final 6s. 8d. to Robt. Hyntellisham, in his lifetime, on 29 September, 1462, and they assessed the damages of Alice at £2, in addition to the full amount claimed.

So far the Court had been expeditious, but it was not ready to deliver judgment, and so it adjourned till 3 p.m. on Wednesday. Alice and her attorney appeared then, but not John Parker.

Then the Court did a thing which seems most un-Piepowderish. They fixed a further day, namely, Monday, August 9, more than four weeks ahead.

Even then the Court was not ready, for notwithstanding that John Algood and his client were there it was decided to fix 'a further day and hour' and to deliver judgment on Monday, 30 August. On that date judgment was given that Alice Moys might recover her £6 and £2 damages, and that John Parker should pay the Court 6d.

It is difficult to account for these delays. The case would not have been in 'Piepowder' unless John Parker was a bird of passage. He was given ample time to escape. Whether

Alice ever recovered her £8 may be doubted. She and her attorney had attended six times, and her legal costs must have been considerable. The Piepowder Court on this occasion seems to have belied its name, but it may be that some security for the £8 had been obtained, justifying the delays.

It will be noted that in Colchester, as far as recorded, the Piepowder cases were for recovery of substantial amounts. They were not cases against small pedlars or hawkers. It would seem that when an absentee defendant happened to appear on a business visit to Colchester advantage was taken of the Piepowder Court system to issue summary proceedings against him and meanwhile to 'attach' his goods, that is to seize them as security for the claim.

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## HARLOW IN THE MIDDLE AGES.

BY REV. JOHN L. FISHER, M.A.

MUCH of the medieval history of Harlow can be traced in the names of the farms and fields, for in spite of the inevitable changes many of the names met with in the old surveys still survive. A series of surveys and rentals is extant from about 1280 to 1430, and by means of these practically all the lands which comprised the manor of Harlowbury can be identified. Far the greater portion of the parish area was included in this manor. Of the subsidiary manors and their tenants there is very little documentary evidence, though some early rentals of Moor Hall are preserved at the British Museum.

When we get our first glimpse of Harlow through the surveys we find a series of large open plough-lands forming the demesne, and a number of small farms held either free or in villenage. No doubt in earlier days the tenants of the manor had their strips in the open fields and cultivated them on a co-operative system. There is little trace of this in the surveys. In all the larger holdings the land is grouped in a cluster of crofts round the homestead, and these homesteads are set wide apart. The holders of ten acres or less, the cottagers, are inclined to settle in little communities, near the market or the commons, and their